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10/527,577	03/11/2005	John Douglas Merrell	PU020348	7282

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EXAMINER	
NGUYEN, LUONG TRUNG	
ART UNIT	PAPER NUMBER
2622	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/527,577	MERRELL ET AL.	
	Examiner	Art Unit	
	LUONG T. NGUYEN	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 March 2005* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *03/05, 10/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's arguments, see Remarks, filed on 12/29/2008, with respect to the Election/Restriction Requirement have been fully considered and are persuasive. The requirement of election/restriction has been withdrawn.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on 3/11/2005 and 10/07/2005 have been considered by the examiner.

Drawings

3. The drawings are objected to because of the informalities:

The drawing should be label FIGURE 1. Noted that label FIGURE 1 is missing.

In Figure 1, label "185-D" should be changed to --185--.

In Figure 1, label "195-D" should be changed to --195--.

In Figure 2, label "recording completed 145A" should be changed to --playback old messages 145A--.

In Figure 2, label "recording completed 145B" should be changed to --playback new messages 145B--.

In Figure 3, label "speaker 385" should be changed to --speaker 397--.

In Figure 3, label "sound adapter 370" should be changed to --sound adapter 399--.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing

sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 15 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification , paragraph [0020] only discloses the personal video message system 100 includes at least one camera. However, the specification does not have the support for

limitation "wherein said at least one camera comprises at least two camera for captured stereoscopic video data of the user," which is recited in claim 15.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 4-9, 24 under 35 U.S.C. 102(e) as being anticipated by Kojima et al. (US 6,980,236).

Regarding claim 1, Kojima et al. discloses a video message system, comprising:

a video display (LCD 21, figures 1-2, column 2, lines 52-67), having a fixed position, for playing back a video portion of a video message from a user;

a frame (the portion of display part around LCD 21, figures 1-2) for framing said video display; and

at least one video camera (CCD video camera 23, figures 1-2, column 2, lines 52-67) disposed on said frame, and oriented in a same direction as said video display, for capturing video data of the user for inclusion in the video portion of the video message.

Regarding claim 2, Kojima et al. discloses:

a microphone (microphone 24, figures 1-2, column 2, lines 40-45) for capturing audio data from the user for inclusion in an audio portion of the video message; and

at least one speaker (speaker 8, figures 1-2, column 4, lines 29-30) for playing back the audio portion of the video message.

Regarding claim 4, Kojima et al. discloses wherein said video display is further for displaying information corresponding to at least one of the recording and the playing back of the video message (figures 9-10).

Regarding claim 5, Kojima et al. discloses:

a memory device (PC card which is accommodated in slot 12, figure 1, column 2, lines 49-51) disposed with said frame, for storing the video message.

Regarding claim 6, Kojima et al. discloses wherein said memory device is capable of being dynamically updated (PC card in Kojima et al. is capable of being dynamically updated).

Regarding claim 7, Kojima et al. discloses wherein said frame is a picture-type frame (figures 1-2).

Regarding claim 8, Kojima et al. discloses wherein said frame comprises a plurality of bezels (figures 1-2), at least one of said bezels for having said video display disposed thereon.

Regarding claim 9, Kojima et al. discloses:

a microphone (microphone 24, figures 1-2, column 2, lines 40-45) for capturing audio data from the user for inclusion in an audio portion of the video message; and

at least one speaker (speaker 8, figures 1-2, column 4, lines 29-30) for playing back the audio portion of the video message,

wherein said frame comprises a plurality of bezels (figures 1-2), at least one of said bezels for having said video display and said microphone disposed thereon.

Regarding claim 24, Kojima et al. discloses:

an external bus (external bus 55, figure 7, column 3, lines 4-13) for at least one of connecting to an external device to retrieve the video message there from or to receive remote instructions for retrieving the video message.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. (US 6,980,236) in view of Kusaka et al. (US 2003/0012559).

Regarding claim 3, Kojima et al. fails to disclose a synchronization device for providing synchronization data for synchronizing the playback of the audio portion with the playback of

the video portion. However, Kusaka et al. discloses an image and audio reproducing apparatus and method, in which CPU 110 controls reading of file from the storage unit 101, decoding by the decoder 108, and synchronized reproduction if images and audio by the synchronization control unit 109 (figures 1, 13, paragraphs [0063]-[0064], [0126]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device Kojima et al. by the teaching of Kusaka et al. in order to allow a user reproduces the image and audio exactly as designated by user's own (paragraph [0127]).

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. (US 6,980,236) in view of Mooney et al. (US 6,351,813).

Regarding claim 10, Kojima et al. fails to disclose an encryption/decryption device for encrypting and decrypting the video message. However, Mooney et al. discloses a personal computer system 100, which executes a special security program which encrypts and decrypts files stored on hard drive 180, or other electronic storage devices (figures 1, 3A, column 3, lines 60-67; column 4, lines 37-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device Kojima et al. by the teaching of Mooney et al. in order to provide a means for security files stored on the system, only a user who is authorized can access computer (see abstract).

11. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. (US 6,980,236) in view of Huang et al. (US 6,247,052).

Regarding claim 11, Kojima et al. fails to disclose a user input device for receiving a pre-designated message retrieval code from a user; and a password manager for blocking access to the message until the pre-designated message retrieval code provided by the user is verified. However, Huang et al. discloses a graphic user interface system for a telecommunication switch management system, in which System Security Client 54 verifies the user's ID and password to allow the user logon computer if the ID and password are valid (column 6, lines 52-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device Kojima et al. by the teaching of Huang et al. in order to provide a means for security of the system.

12. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. (US 6,980,236) in view of Huang et al. (US 6,247,052) further in view of Mooney et al. (US 6,351,813).

Regarding claim 12, Kojima et al. and Huang et al. fail to disclose an encryption/decryption device for encrypting and decrypting the video message. However, Mooney et al. discloses a personal computer system 100, which executes a special security program which encrypts and decrypts files stored on hard drive 180, or other electronic storage devices (figures 1, 3A, column 3, lines 60-67; column 4, lines 37-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device Kojima et al. and Huang et al. by the teaching of Mooney et al. in order to provide a means for security files stored on the system, only a user who is authorized can access computer (see abstract).

13. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. (US 6,980,236) in view of Huang et al. (US 6,247,052) further in view of Umeda (US 2001/0017977).

Regarding claim 13, Kojima et al. and Huang et al. fail to disclose a delay module for receiving a delay input that delays a notification of the video message until a specified time. However, Umeda discloses a video reproducing apparatus which includes a processing procedure for the manager 301 to issue the reproduction delay notification (figure 6, paragraphs [0055], [0056]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device Kojima et al. and Huang et al. by the teaching of Umeda in order to reproduce a smooth video even in a scene including rapid movement (paragraph [0032]).

Regarding claim 14, Kojima et al., Huang et al. and Umeda fail to disclose wherein the specified time corresponds to a known time period when children are remote from the video message system. However, Official Notice is taken that it is well known to delay a notification of the video message until a specified time corresponds to a known time period when children are remote from the video message system since at that time, the children are not present, a parent can play a message, which he/she does not want the children see.

14. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. (US 6,980,236) in view of Nishimoto et al. (JP 10-240904).

Regarding claim 16, Kojima et al. fails to disclose a processor for graphically generating a visual kaleidoscope for display on said display device. However, Nishimoto et al. discloses a real-time multimedia art producing device, in which the image of the motion of a player 1 is picked up by a camera 6 to segment its image pickup signal to generate a kaleioscope by a kaleidoscope generating device 8 to display on a screen by a display device 10 (see abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device Kojima et al. by the teaching of Nishimoto et al. in order to provide a multimedia art producing device which easily and simultaneously generates harmonized image and music (see abstract).

15. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. (US 6,980,236) in view of Cordray et al. (US 2002/0156781).

Regarding claim 17, Kojima et al. fail to disclose a memory device for storing a plurality of visual fortune cookies; and a processor for randomly selecting a visual fortune cookie from among the plurality of visual fortune cookies for display on said display device. However, Cordray et al. discloses a computer instruction for managing cookies in a data processing system, in which cookie is stored in a temporary data store within the data processing system for a duration of the browser program session (paragraphs [0013], [0044]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device Kojima et al. by the teaching of Cordray et al. in order to manage cookies in a data processing system.

16. Claims 18, 21-23, 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. (US 6,980,236).

Regarding claim 18, Kojima et al. fail to disclose a daily scheduler. However, Official Notice is taken that it is well known in the art to include a daily scheduler to a video message system such as a laptop or a personal computer in order to let a user to prepare a schedule of working in a day.

Regarding claim 21, Kojima et al. fail to disclose a telephone feature for placing and receiving calls. However, Official Notice is taken that it is well known in the art to include such a telephone into a personal computer in order to make more convenient for a user when to make call or receiving a call while working on the personal computer.

Regarding claims 22-23, Kojima et al. fail to disclose a message indicator for indicating an existence of unplayed video messages. However, Official Notice is taken that it is well known in the art to include such a message indicator telephone into a personal computer in order to inform an information to a user.

Regarding claim 27, Kojima et al. fail to disclose a timer for time-stamping messages as they are recorded. However, Official Notice is taken that it is well known in the art to include such a timer into a personal computer in order to inform a time of recording a message to a user.

Regarding claim 28, Kojima et al. fail to disclose a timer for specifying a time amount remaining for recording the video message. However, Official Notice is taken that it is well known in the art to include such a timer into a personal computer in order to inform a time amount remaining of recording a message to a user.

Regarding claim 29, Kojima et al. fail to disclose a timer for specifying a time amount remaining of a current playback of the video message. However, Official Notice is taken that it is well known in the art to include such a timer into a personal computer in order to inform a time amount remaining of a current playback of a message to a user.

17. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. (US 6,980,236) in view of Roffman et al. (US 6,375,568).

Regarding claim 19, Kojima et al. fail to disclose a visual casino slot machine that is displayed on said display device. However, Roffman et al. discloses a display screen configuration displayed by the display screen of each gaming machine 14 (figure 1, column 8, lines 19-44). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device Kojima et al. by the teaching of Roffman et al. in order to allow a user can play game at his or her own personal computer.

18. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. (US 6,980,236) in view of Goldstein (US 5,410,326).

Regarding claim 20, Kojima et al. fail to disclose a remote control device for controlling functions of the video message system. However, Goldstein discloses a remote control device 5, which controls a plurality of devices 5, 6, 7 8, 9 (figure 1, column 7, lines 4-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device Kojima et al. by the teaching of Goldstein in order to allow a user remotely control function of a video system.

19. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. (US 6,980,236) in view of Umeda (US 2001/0017977).

Regarding claim 25, Kojima et al. fails to disclose a delay module for receiving a delay input that delays a notification of the video message until a specified time. However, Umeda discloses a video reproducing apparatus which includes a processing procedure for the manager 301 to issue the reproduction delay notification (figure 6, paragraphs [0055], [0056]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device Kojima et al. by the teaching of Umeda in order to reproduce a smooth video even in a scene including rapid movement (paragraph [0032]).

Regarding claim 26, Umeda discloses an external connector for receiving the delay input from a remote location with respect to a location of the video message system (PCI bus 2, figure 1).

Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571)272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LUONG T NGUYEN/
Examiner, Art Unit 2622
3/15/09